



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/853,665	05/14/2001	Kenneth M. Papagan	55864.001021	6823

7590 09/01/2005

HUNTON & WILLIAMS
ATTN: JONATHAN D. LINK
1900 K STREET, N.W.
WASHINGTON, DC 20006

EXAMINER

LAMBRECHT, CHRISTOPHER M

ART UNIT	PAPER NUMBER
----------	--------------

2611

DATE MAILED: 09/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/853,665

Applicant(s)

PAPAGAN ET AL.

Examiner

Christopher M. Lambrecht

Art Unit

2611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>10/16/2001</u> | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. **Claim 1-7, 10-18, and 20-22** are rejected under 35 U.S.C. 102(b) as being anticipated by International Patent Application Publication No. WO 98/17064 to Macrae et al. (hereinafter “Macrae”).

Regarding **claim 1**, Macrae discloses a system for providing interactive programs including linked media content (p. 3, ll. 25-30) comprising:

a presentation device (fig. 1) for rendering a plurality of media objects to a user (television programs and Internet data related thereto, p. 4, ll. 10-28), said plurality of media objects including a first media object including streaming media (television program, p. 3, l. 34 - p. 4, l. 9); and

a selector (28, fig. 1) for selecting a portion of the first media object (p. 5, ll. 10-13), the portion associated with a link to a related second media object (p. 4, ll. 1-10).

As to **claim 2**, Macrae discloses the system of claim 1, wherein said presentation device includes a television (20, fig. 1) and a computer (24, fig. 1) for rendering interactive media (p. 4, ll. 10-23).

As to **claim 3**, Macrae discloses the system of claim 1, wherein the selector includes a remote control (p. 4, ll. 14-16) with a button (56, fig. 2) that selects the portion of the first media object streaming when the button is depressed (p. 5, ll. 10-13).

Art Unit: 2611

As to **claim 4**, Macrae discloses the system of claim 1, wherein the link to the related second media object is included in metadata associated with the portion of the at least one streaming media object (p.4, ll. 36-38).

As to **claim 5**, Macrae discloses the system of claim 1, wherein the portion of the at least one streaming media object is a frame (p. 5, ll. 6-14, where the viewers selection of the portion of interest of the television program is inherently incident with, and therefore includes, a frame of the television program).

As to **claim 6**, Macrae discloses the system of claim 1, further comprising an interface (see fig. 3) for selectively accessing the second media object (Internet data, p. 5, ll. 23-34) through an icon associated with the portion of the first media object selected (p. 5, ll. 6-8).

As to **claim 7**, Macrae discloses the system of claim 6, wherein the interface includes a plurality of media objects (various Internet sites, p. 5, ll. 28-30) associated with a plurality of portions (i.e., a series of frames) of at least one other media object (i.e., the interactive television program) and wherein a user may selectively access the plurality of media objects through a plurality of icons (selectable Internet links) associated with the plurality of portions of the at least one other media object (p. 5, ll. 24-33).

As to **claim 10**, Macrae discloses the system of claim 1, further comprising a remote broadcast center for distributing the first media object and the second media object to said presentation device (p. 12, ll. 28-30 and p. 8, l. 38 - p. 9, l. 1).

Regarding **claim 11**, Macrae discloses a method of navigating an interactive broadcast including linked media content, comprising the steps of:

viewing a first streaming media object including a plurality of portions associated with a plurality of related media objects (p. 5, ll. 6-14 & ll. 28-30);

identifying a portion of interest in the first streaming media object (p. 5, ll. 10-12); and

Art Unit: 2611

accessing an interface for viewing a related media object through the link associated with the identified portion of interest (p. 5, ll. 23-34).

As to **claim 12**, Macrae discloses the method of claim 11, wherein the step of viewing the first streaming media object includes viewing an interactive television program displayed on a presentation device including a television (20, fig. 1) and a computer (24, fig. 1, p. 4, ll. 10-23).

As to **claim 13**, Macrae discloses the method of claim 11, wherein the step of identifying a portion of interest includes using a selector to identify the portion of interest while the portion of interest is being played (p. 5, ll. 10-13).

As to **claim 14**, Macrae discloses the method of claim 11, wherein the viewing the first streaming media object is uninterrupted by the step of identifying the portion of interest (p. 9, ll. 32-34).

As to **claim 15**, Macrae discloses the method of claim 11, wherein the step of accessing an interface for viewing includes selecting a channel other than a channel streaming the first media object (p. 12, ll. 28-30).

As to **claim 16**, Macrae discloses the method of claim 11, further comprising the step of browsing through a plurality of icons (i.e., Internet links) associated with a plurality of identified portions of interest (p. 5, ll. 27-30).

Regarding **claim 17**, Macrae discloses a data source including a linked media object for distribution over a network comprising:

media content for the media object (television program, p. 4, ll. 10-28);

content descriptive metadata for the media object (Internet site addresses, p. 4, ll. 10-28);

and

at least one associated metadata object linked a portion of said media content (Internet site data, p. 4, ll. 10-28).

Art Unit: 2611

As to **claim 18**, Macrae discloses the data source of claim 17, further comprising icon descriptive metadata associated with the portion of said media content for the media object (p. 9, ll.28-32).

As to **claim 20**, Macrae discloses the data source of claim 18, wherein said icon descriptive metadata includes a link to an icon media object (p. 13, ll. 26-34).

As to **claim 21**, Macrae discloses the data source of claim 17, wherein said media content for the media object includes a plurality of media objects (various Internet sites, p. 5, ll. 28-30) associated with a plurality of portions (i.e., a series of frames) of at least one other media object (i.e., the interactive television program) and wherein a user may selectively access the plurality of media objects through a plurality of icons (selectable Internet links) associated with the plurality of portions of the at least one other media object (p. 5, ll. 24-33).

As to **claim 22**, Macrae discloses the data source of claim 17, wherein said media content comprises an interactive television program (p. 3, ll. 25-30).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 8, 9, and 19** are rejected under 35 U.S.C. 103(a) as being unpatentable over Macrae in view of U.S. Patent No. 6,412,111 to Cato (hereinafter "Cato").

As to **claims 8 and 19**, Macrae discloses the systems of claims 6 and 18, wherein the portion of the first media object selected is a frame (p. 5, ll. 6-14, where the viewers selection of

Art Unit: 2611

the portion of interest of the television program is inherently incident with a frame of the television program), but fails to disclose the icon includes the frame.

In an analogous art, Cato discloses the icon includes the frame (col. 12, ll. 22-25), for the benefit of providing a recognizable indication of the previously selected program (col. 12, ll. 16-25).

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Macrae to include the icon includes the frame, as taught by Cato, for the benefit of providing a recognizable indication of the previously selected program.

As to **claim 9**, Macrae discloses the system of claim 6, but fails to disclose the icon includes a streaming media loop including the selected portion of the first media object.

In an analogous art, Cato discloses the icon includes moving video of the previously selected program (col. 12, ll. 22-26), for the benefit of providing a recognizable indication of the previously selected program (col. 12, ll. 16-25).

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Macrae to include the icon includes moving video of the previously selected program, as taught by Cato, for the benefit of providing a recognizable indication of the previously selected program. However, Macrae and Cato fail to explicitly disclose the moving video is a loop.

Official notice is taken of the fact that it is well known in the art to loop a segment of video, for the purpose of maintaining the viewers interest in the video segment.

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Macrae and Cato to include a streaming media loop including the selected portion of the first media object, for the benefit of maintaining the viewers interest in the video segment.

Art Unit: 2611

Conclusion

5. The following are suggested formats for either a Certificate of Mailing or Certificate of Transmission under 37 CFR 1.8(a). The certification may be included with all correspondence concerning this application or proceeding to establish a date of mailing or transmission under 37 CFR 1.8(a). Proper use of this procedure will result in such communication being considered as timely if the established date is within the required period for reply. The Certificate should be signed by the individual actually depositing or transmitting the correspondence or by an individual who, upon information and belief, expects the correspondence to be mailed or transmitted in the normal course of business by another no later than the date indicated.

Certificate of Mailing

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

on _____.
(Date)

Typed or printed name of person signing this certificate:

Signature: _____

Registration Number: _____

Certificate of Transmission

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office, Fax No. (703)_____ - _____ on _____.
(Date)

Typed or printed name of person signing this certificate:

Signature: _____

Registration Number: _____

Please refer to 37 CFR 1.6(d) and 1.8(a)(2) for filing limitations concerning facsimile transmissions and mailing, respectively.

Art Unit: 2611

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher M. Lambrecht whose telephone number is (571) 272-7297. The examiner can normally be reached on 9:30 AM - 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Grant can be reached on (571) 272-7294. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Christopher M Lambrecht
Examiner
Art Unit 2611

CML


HAITRAN
PRIMARY EXAMINER